

Moved by Corder

Seconded by McGee

IN THE SENATE
SENATE AMENDMENT TO H.B. NO. 193, As Amended

AMENDMENT TO SECTION 1

On page 4 of the engrossed bill, delete lines 33 through 50; and on page 5, delete lines 1 and 2, and insert:

"(6) (a) In any action or proceeding brought for the purpose of setting aside a special permit issued pursuant to this section, in which any party seeks a stay or seeks a temporary restraining order or preliminary injunction against the department, other appropriate authority, the state of Idaho or any party requesting the permit, the court may require bond as provided in rule 65(c) of the Idaho rules of civil procedure, in an amount not to exceed ten percent (10%) of the shipper's or transporter's insured value of the product or material to be transported under the provisions of the permit. If any attorney's fees and/or costs are awarded to the department or other state actor, such bond may be used to satisfy that award and all awarded amounts shall be paid to the state highway account established in section 40-702, Idaho Code.

(b) Where there is a final judgment in an action or proceeding brought for the purpose of setting aside a special permit issued pursuant to this section against the party or parties who brought such action or proceeding, the court may determine the actual damages resulting from the action or proceeding caused to the department or other state actor and may award up to that amount to the party or parties."

CORRECTION TO TITLE

On page 1, delete lines 3 through 6, and insert: "VIDE THAT IN CERTAIN ACTIONS OR PROCEEDINGS THE COURT MAY REQUIRE BOND, TO PROVIDE FOR THE SATISFACTION OF CERTAIN ATTORNEY'S FEES AND COSTS, TO PROVIDE FOR THE PAYMENT OF ALL AWARDED AMOUNTS TO THE STATE HIGHWAY ACCOUNT, TO PROVIDE THAT WHERE THERE ARE CERTAIN FINAL JUDGMENTS THE COURT MAY DETERMINE THE ACTUAL DAMAGES CAUSED TO THE DEPARTMENT OR OTHER STATE ACTOR AND MAY AWARD UP TO THAT AMOUNT TO THE PARTY OR PARTIES AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY."